



Annette Birchall - 9710 0846

File Ref: DN14/0019

19 August 2014



Department Of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Att: Fiona Gibson

Dear Fiona

Development Referral No. DN14/0019

**Proposal: Section 75W Modification (MOD 4) to Concept Plan for Kirrawee
Brick Pit (MP10_0076) - Modification of Condition 8j**

Property: 566-594 Princes Highway, Kirrawee

I refer to the above modification proposal which was referred to Council for comment.

Council has reviewed the proposal and considers that the application should not be approved in its current form. The response below relates only to the second part of Condition 8j, as the first part relates to RMS requirements.

Early Works Development Application

As noted in the application, an Early Works development application is currently being assessed by Sutherland Shire Council. To support this development application, Council has requested draft construction management plans, including a Draft Construction Traffic Management Plan (CTMP). This is required in order to assess the impact of the works on the local road network as well as surrounding development including a school, medium density residential development and Kirrawee shopping strip.

To date the applicant has only submitted a Draft Project Management Plan. This document notes that the *'excavation works will result in materials being exported from the site,'* though does not state what the volume will be. This document also concludes that *'The Traffic Management Plan for the Early Works is critical'*. This statement by the applicant's expert contradicts the proposed modification to Condition 8j, which seeks to postpone the requirement of a CTMP until a Construction Certificate is required for the actual building works.

Proposed modification

Council agrees that the dewatering process does not require a CTMP, however, the proposed excavation works are substantial. While some of the material excavated to create the basements will be used to 'fill' the brick pit and create the park, the proponent themselves have noted that some material will be required to be exported off site.

While the volume of this has not been provided, which makes the impact on the locality impossible to assess. Council's experience with other projects of this nature (including Westfield Miranda), is that the number of truck movements can be significant and the effect of these truck movements is widespread.

While the site is located on a major arterial road, the Princes Highway currently suffers from substantial peak hour congestion and there is no existing practical and safe access to it. The site is currently reliant on local roads for access.

One likely route for heavy vehicles carting spoil is past infants/primary school. B-doubles passing the school during the morning and afternoon drop of and pick-up times would be unacceptable from a child safety point of view.

Another likely route is via Oak Road, which has a signalised intersection at the Princes Highway. The radius of the turn in from the Princes highway is too tight to safely accommodate heavy vehicles and the intersection is already understood to be operating at service level 'F' during peak periods.

As noted by the proponent themselves, a Traffic Management Plan for the Early Works is therefore **critical** to ensure truck movements are not just safe, but also as efficient as possible. The works proposed is significant and the site and locality have constraints that must be considered before earthworks commence in the interest of public safety.

Council therefore considers the proposed bulk earthworks to be 'substantive' works. However, from the application, it is clear that the proponent means for these works to be excluded from the requirement for a CTMP. This highlights the ambiguity of the word 'substantive' and, if changes are to occur to this condition, for the need to clearly define which works will require such management plans. A condition with the word 'substantive' as the test is virtually unenforceable.

Conclusion

A Construction Traffic Management Plan is crucial to manage the truck movements expected during the extensive excavation, filling and associated shoring works required to prepare the site for building works. From previous experience with similar developments, these works are 'substantive'. This is contrary to the intent of the proposed modification.

If Condition 8j was to be modified to remove the requirement for a CTMP and associated CTP prior to building works, Council will still request these documents as part of the DA process for early works as the impact (of bulk earthworks as an example) cannot be properly assessed without such information.

For these reasons, Council **does not** support the modification of Condition 8j as proposed.

If you need any clarification of the above comments, please contact Council's Development Assessment Officer Annette Birchall on 9710 0846 or email abirchall@ssc.nsw.gov.au and quote the application number in the subject.

Yours faithfully

A handwritten signature in black ink, appearing to be 'P. Barber', with a horizontal line extending to the right.

Peter Barber
for J W Rayner
General Manager

